REMARKS

The Examiner is thanked for the thorough examination of the present application. The FINAL Office Action, however, continued to reject all claims 1-33. In response, Applicant submits the foregoing amendments and the following remarks. Applicant respectfully requests reconsideration and withdrawal of the rejections for at least the following reasons.

Response to Rejections under 35 U.S.C. 112

The Office Action rejected claims 1, 9, 17, and 25 under 35 U.S.C. § 112, second paragraph. Claims 1, 9, 17, and 25 are amended to address and overcome these rejections.

Response to Rejections under 35 U.S.C. 102

The Office Action rejected claims 1-7, 9-15, and 17-23 under U.S.C. 102(b) as allegedly being anticipated by Kaneko et al. (2001/0020230). Applicant respectfully requests reconsideration and withdrawal of the rejections for at least the following reasons.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See*, *e.g.*, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *See e.g.*, *In re Paulsen,* 30 F.3d 1475,

31 USPQ 2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ 2d 1655 (Fed. Cir. 1990).

Among the rejected claims, claims 1, 9, and 17 are independent. Claims 9 and 17 are rejected on the same basis as claim 1. Therefore, remarks are provided regarding to patentability of the independent claim 1. These distinguishing remarks are equally applicable to claims 9 and 17 as well.

The Office Action (page 4) states that the classifying step (i.e., classifying the rematched demand data into a plurality of classified demand data records according to at least one attribute of the at least one product and the at least one customer corresponding thereto) is disclosed by Kaneko in paragraph [0066], and "the classified demand data having different priorities" is disclosed by Kaneko in paragraph [0097].

In addition, the Office Action (page 21) states that 'Databases store information and by nature through storage they classify the information that is contained. Therefore, the data that is inputted is classified' and 'The second matching operation is construed as the second calculating step in figure 6, S120'.

Independent claim 1 recites:

> 1. A computer-implemented method of matching customer demand with a manufacturer supply of products from plurality of factory facilities, comprising using a computer to perform the steps of:
>
> inputting demand data for a demand of at least one product requested by at least one customer and supply data corresponding to a production capacity of the factory facilities;
>
> performing a first matching operation to match the demand data with the supply data to obtain a first demand-supply matching result;
>
> collecting rematched demand data corresponding to a portion of the demand unsatisfied by the first matching operation from the demand data and collecting rematched supply data corresponding to a portion of

the production capacity unused in the first matching operation from the supply data;

classifying the rematched demand data into a plurality of classified demand data records according to at least one attribute of the at least one product and the at least one customer corresponding thereto, the classified demand data having different priorities; and

performing a second matching operation to match the classified demand data with the rematched supply data based on the priorities of the classified demand data to obtain a second demand-supply matching result.

(*Emphasis added*). Claim 1 patently defines over the cited art for at least the reasons that the cited art fails to disclose the features emphasized above. In this regard, Applicant notes that the cited paragraphs do not disclose the method of claim 1. More specifically, the cited paragraphs do not disclose the classifying step and the second matching operation based on the result of the classifying step.

According to Kaneko (paragraph [0066]), 'if any one of the initially distributed amounts of orders placed is not within the corresponding order receivable range of the product-producing step, the CPU 42 executes a process of adjusting the distribution of the initially distributed amounts of order placement (step S112). ... When the distribution adjusting process routine is executed, the CPU 42 calculates adjustments 1, 2, 3, and calculates profitability indexes obtained by the adjustments 1-3 (step S200-S210). Subsequently, the CPU 42 selects from the adjustments 1-3 an adjustment that achieves the greatest profitability index (step S212), and then ends the routine.'

According to the Office Action and paragraph [0066] of Kaneko, S104 (calculate amount of order placement) is construed as the first matching operation of claim 1; S112 (adjust distribution of order placement) is construed as the second matching

operation of claim 1; and the database is construed as an inherent disclosure of the classifying step of claim 1.

According to Kaneko, the result of S104 (i.e., 'initially distributed amounts of orders placed') are simply adjusted in S112 (adjust distribution of order placement). No classifying procedure is performed on the 'initially distributed amounts of orders placed' before the adjusting process routine. The adjusting process routine is performed on the 'initially distributed amounts of orders placed' that are not processed by any procedure similar to the classifying step of the claim 1.

On the contrary, claim 1 defines that the unsatisfied demand data in the first matching operation is classified according attribute of the product and customer. In addition, a second matching operation is performed on the classified demand data based on the priorities of the classified demand data.

Accordingly, Kaneko does not teach a procedure that includes a first matching operation and classifying demand unsatisfied by the first matching operation, or a second matching operation, performed on the result of the classifying step, as defined in claim 1. For at least this reason, the rejection of claim 1 should be withdrawn.

In addition, according to Kaneko (paragraph [0097]), 'The main location designation rule is a rule in which the *post-steps are assigned with priorities* as restricting conditions, and orders from the post-steps are processed in the order of descending priorities of the post-steps to supply vehicles or the like to the post-steps.' According to Kaneko, post-steps are assigned with priorities. In contrast, according to claim 1, the classified demand data are assigned with different priorities.

After reading the cited paragraphs of Kaneko, one of ordinary skill in the art would understand that the 'distribution adjusting process routine' of Kaneko does not teach the claimed operation of "classifying unsatisfied demand data," and the 'post-steps assigned with priorities' does not teach the claimed operation of "classified demand data assigned with different priorities."

As described, a proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. Kaneko does not disclose each element of the claim 1. Accordingly, the teachings of claim 1 are not anticipated by the cited reference, and the rejections of claim 1 should be withdrawn.

On the same basis as claim 1, the rejections of claims 9 and 17 should be withdrawn. Insofar as claims 2-7 depend from claim 1, claims 10-15 depend from claim 9, and claims 18-23 depend from claim 17, the rejections of these claims should be withdrawn for at least the same reasons. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Response to Rejections under 35 U.S.C. 103

Claims 8, 16, 24 and 25-32 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Kaneko et al (2001/0020230) in view of Menninger et al. (6,954,736). Claims 8, 16, and 24 depend from clams 1, 7, and 17 respectively. Therefore, the rejections of these claims should be withdrawn for the same reasons as the claims from which they depend.

With regard to independent claim 25, the Office Action (page 15) states that Kaneko teaches the allocation planning module of claim 25, and that Menninger teaches the capacity model and the capacity management module of claim 25. More specifically, the Office Action states that the 'leading to predictive supply chain decisions' (Menninger, col. 17, lines 50-53) is construed as the route information for the product.

According to claim 25, the route information records a plurality of tools.

On the contrary, according to Menninger, a mechanism for order confirmation in a supply chain management framework is provided, one of ordinary skill in the art can know, from the context, the 'predictive supply chain decisions' have nothing to do with tools. Therefore, the 'predictive supply chain decisions' do not disclose the "route information" which records a plurality of tools.

Applicant notes that, to one of ordinary skill in the art, neither 'leading to predictive supply chain decisions' (Menninger, col. 17, lines 50-53) nor 'a first set of data collected from a plurality of stores of the supply chain utilizing a network' (Menninger, col. 17, 58-60) discloses the claimed "capacity model having route information for the product, wherein the route information records a plurality of tools," as recited in claim 25.

The Office Action states that Menninger teaches the "capacity management module" of claim 25 in col. 129, lines 29-31 and col. 17, lines 60-67. According to the cited paragraphs, however, a second set of data is compared against the forecasting in operation 1136, wherein the second set of data relates to the amount of goods sold by the stores. To one of ordinary skill in the art, 'comparing the amount of goods sold by

the stores against a forecasting' is not properly comparable with the claimed "reserving production capacity of the factory facilities according to the demand data and the route information" of claim 25.

In addition, since the Menninger does not disclose the route information which records a plurality of tools, Menninger cannot disclose the claimed "reserving production capacity of the factory facilities according to the demand data and the route information."

For this reason, teachings of Kaneko and Menninger do not suggest all features of the claim 25 to one of ordinary skill in the art. Accordingly, the rejection of claim 25 should be withdrawn. Claim 25 serves as the base claim for claims 26-33, which patently define over the cited art for at least the same reasons.

CONCLUSION

In light of the above remarks having been addressed, it is therefore respectfully requested that claims 1-33 be allowed so that the entire case may be passed to early issuance. If there are any remaining issues to be resolved, Applicants request that Examiner contacts the undersigned attorney for a telephone interview.

No fee is believed to be due in connection with this submission. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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